

Read 5th Feb. 1753

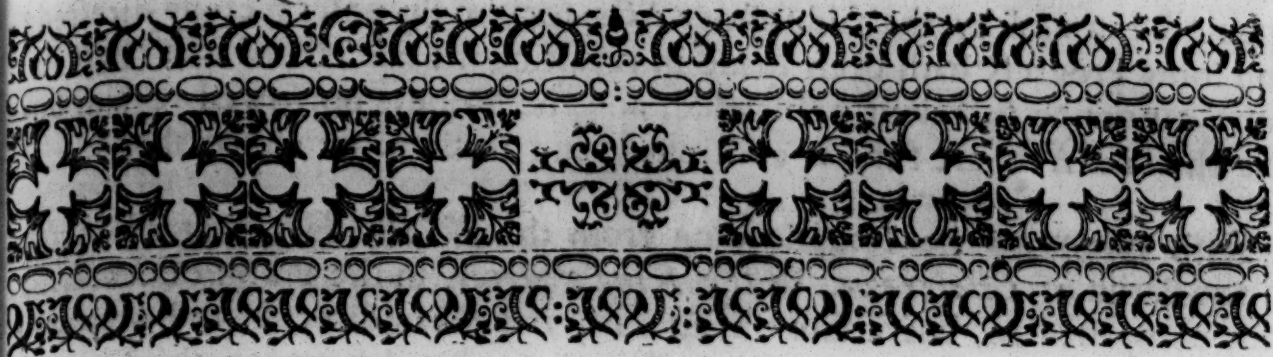
Great Brit Ges II
Enacted 26 Geo. II. Public Acts, c. 41.

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England. - Parliament. [Bills. - II. George II.]

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A BILL for Continuing, and making more Effectual, Three Acts of Parliament, passed in the Ninth and Twelfth Years of the Reign of her late Majesty Queen Anne, and the Fifth Year of the Reign of his present Majesty, for Repairing the Highways between Dunstable and Hockliffe, in the County of Bedford; and also for Repairing the Road from the Sign of the White Horse, to the Sign of the King's Arms, in Hockliffe, aforesaid.

Whereas by an Act, passed in the Ninth Year of the Reign of her late Majesty Queen Anne, for repairing the Highways between Dunstable and Hockliffe, in the County of Bedford, several Tolls and Duties were granted, and made payable, for amending the said Highways, for the Term of Twenty-one Years, to be accounted from the First Day of May, One thousand Seven hundred and Eleven; which said Act was, by another Act, passed in the Twelfth Year of her said late Majesty's Reign, made more effectual:

And whereas, by an Act, passed in the Fifth Year of the Reign of his present Majesty, it was Enacted, That the said Two former Acts, and the Tolls, Term, and Powers, thereby granted, should be further continued from the Thirtieth Day of April One thousand Seven hundred and Thirty-two, for the Term of Twenty-one Years:

And whereas the Tolls collected, and the Moneys borrowed, by virtue of the said Acts, have been duly applied by the Trustees nominated and appointed,

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appointed in and by the said former Acts, for the Purposes thereby directed; and some Progress hath been made in repairing the said Highways; **But** the same cannot be sufficiently amended, and the Moneys borrowed repaid, unless the said Acts are further continued, and made more effectual:

And whereas the Road leading from the *White Horse*; at *Hockliffe*, in the Parish of *Chalgrave*, to the *King's Arms*, in the Parish of *Hockliffe* (not comprised in, but a Continuance of, the Road directed to be repaired by the said former Acts, and Part of the great Road between the Cities of *London* and *Chester*, and the common Road to *Ireland*), by reason of many heavy Carriages passing through the same, is in a ruinous Condition; and cannot, by the ordinary Course provided by the Laws in Being, for repairing the Highways of this Kingdom, be effectually amended, and kept in Repair:

Now, to the End the Road directed to be repaired by the said former Acts, and also the additional Road herein before mentioned, may, with all convenient Speed, be effectually amended, and hereafter kept in good Repair, for the Accommodation of all Passengers; and that the Money now due, and owing, on the Credit of the said former Acts, may be repaid, together with all Interest due, and to grow due, for the same;

May it please Your MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts passed in the Ninth and Twelfth Years of the Reign of her late Majesty Queen *Anne*, and also the said Act passed in the Fifth Year of the Reign of his present Majesty, and the Tolls and Duties thereby respectively granted, continued, and made payable, and all and every the Authorities, Powers, Articles, Rules, Penalties, Exemptions, Provisoos, and Clauses, therein contained (except such Tolls, Clauses, Powers, Matters, and Things, as are hereby explained, altered, or amended), shall be and continue in Force, and be executed, as well for the Purposes in the said former Acts contained, as for the surveying, ordering, amending, keeping in Repair, and widening, the said additional Road herein before-mentioned, for the Term named by the last recited Act now subsisting, and from the Time of the Expiration thereof, for and during the further Term of

as fully and effectually, to all Intents and Purposes, as if the said former Acts were herein again repeated and re-enacted in the Body of this present Act: But if at any time before the Expiration of the said additional Term of

hereby granted, the Roads mentioned in the said former Acts, and this present Act, shall be sufficiently repaired, and so adjudged by the Justices of the Peace for the said County of *Bedford*, at their Quarter-Sessions of the Peace, to be holden for the said County; that then, from and after such Adjudication made, and Repayment of such Money as shall have been borrowed, with Interest for the

the same, and all Money due, and owing, on Account of the said former Acts, and this present Act, with Interest for the same, the several Tolls, Powers, and Authorities, thereby and hereby granted and continued, shall cease and determine; any thing in the said former Acts, or this present Act, contained to the contrary notwithstanding.

And for the more effectual putting the said former Acts, and this present Act, in Execution, **Be it further Enacted**, by the Authority aforesaid, That

shall, from and after
be added to, and joined with, the Trustees appointed or elected by, or in pursuance of, the said former Acts; and they, and the Survivors of them, shall be, and they are hereby, constituted and appointed Trustees for putting in Execution the said former Acts, and this present Act, and the several Powers and Authorities therein and herein contained.

And, to the end that a sufficient Sum of Money may be raised, for amending all the Roads aforesaid, and for keeping the same in Repair, and for discharging the Debts now due, or which hereafter shall be contracted, for the Purposes in the said former Acts, and this present Act, mentioned, **Be it further Enacted**, by the Authority aforesaid, That, from and after

it shall and may be lawful for the Trustees appointed, or to be appointed, to put the said former Acts, and this present Act, in Execution, or any or more of them, or such Person or Persons, as they, or any or more of them, shall, under their Hands and Seals, authorize and appoint, to demand and take the several Tolls herein after-mentioned, instead of the Tolls made payable by the said former Acts (subject to such Exemptions from Payment of the Tolls, as are, in and by the said former Acts, particularly granted and allowed); that is to say,

Which said several Tolls shall be vested in the said Trustees appointed, or to be appointed, to put the said former Acts, and this present Act, in Execution; and the same, and every Part thereof, shall (the Charges and Expences of obtaining this present Act being first discharged and satisfied) be paid, applied, and disposed of, or assigned, to and for the several Uses, Intents, and Purposes, and in such manner, as in and by the said former Acts, and this present Act, are declared and appointed: And the said Trustees, or any or more of them, or such Person or Persons as they, or any or more of them, shall authorize and appoint, shall be, and they are hereby vested, with the same Powers, Authorities, and Remedies, for the demanding, collecting, recovering, and levying, the Tolls hereby granted, and made payable, as in and by the said former Acts are given and prescribed for collecting, recovering, and levying, the Tolls thereby granted, as fully and effectually, as if the said Powers, Authorities, and Remedies, were herein repeated, and set forth: And that the Money to be raised, collected, and received, by virtue of this Act, shall be accounted for to the said Trustees in the said former Acts, and this present Act, named; and they, and the Survivors of them, or any or more of them, are hereby impowered and required to apply, dispose of, and assign, the Money so to be raised, collected, and received, from time to time, or any Part thereof, to and for the several Uses, Intents, and Purposes, and in such manner as the Tolls or Duties by the said former Acts were to be raised, collected, received, applied, assigned, and disposed of; and for the amending and keeping in Repair, the said additional Road, herein before-mentioned; and that all and every the Provisions, Penalties, and Forfeitures, by the said former Acts made and imposed, in respect to the said former Tolls or Duties, shall be used, practised, inflicted, and levied, for and in respect of the Tolls or Duties by this Act granted, as fully and effectually, to all Intents and Purposes, as if the same had been particularly at large repeated and re-enacted in this present Act,

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any or more of them, are hereby required to take such Security from the Treasurer appointed, or to be appointed, for the Purposes of this Act, for the due Execution of his said Office, as to the said Trustees, or any or more of them, shall seem meet.

And be it further Enacted, by the Authority aforesaid, That, from and after the it shall and may be lawful to and for the Trustees appointed or elected, or to be appointed or elected, to put the said former Acts, and this present Act, in Execution, or any or more of them, at any publick Meeting, and they are hereby impowered, from time to time, during the Continuance of the said former Acts, and this present Act, by any Instrument in Writing under their Hands (without any Stamp thereupon) to borrow any Sum or Sums of Money, at on the Credit of the Tolls by the said former Acts, and this present

present Act, granted, in such Manner, and by such Ways and Means, as shall appear to them most proper and convenient for the paying off the Money already owing on the Credit of the said former Acts, and assigning the present Securities for the same, or making out such other Securities as they shall think proper, for the effectual amending and keeping in Repair the said Roads, so that the Sum or Sums already borrowed, and owing, on the Credit of the said former Acts, and the Money to be borrowed on the Credit of this present Act, do not together exceed, in the Whole, the Sum of

which said Sum and Sums of Money, already borrowed or to be borrowed, and all such Sum and Sums raised and collected, or to be raised and collected, in pursuance, or by virtue, of the said former Acts, and this present Act, shall (after the Charges and Expenses of passing this present Act) be applied, and disposed of, either in discharging such Sum and Sums of Money, as is, are, or shall be, due and owing on the Credit of the said former Acts, or this present Act, together with the Interest due, and to grow due, for the same, and for or towards amending, and keeping in Repair, the Roads directed to be amended, and kept in Repair, by the said former Acts, and this present Act; and to and for such other Purposes as are therein and herein mentioned and expressed; and to no other Use or Purpose whatsoever.

And be it further Enacted, by the Authority aforesaid, That, from and after the Right, Interest, and Property, of all the Turnpikes and Toll-houses, which are or shall be created by virtue of the said former Acts, or this present Act, shall be vested in the Trustees appointed or elected, or to be appointed or elected, to put the said former Acts, and this present Act, in Execution; and that they, or any or more of them, at any of their publick Meetings, shall, and they hereby have Power to dispose of such Turnpikes or Toll-houses as they shall think proper; and to bring Actions, and prefer Bills of Indictment, against any Person or Persons who shall steal, take away, break down, or spoil the same.

Provided always, and it is hereby further Enacted, That the said Trustees, or any or more of them, shall and may cause all the Roads by the said former Acts, and this present Act, directed to be repaired and amended, to be measured, and Stones or Posts to be erected thereon, or in or near the Sides thereof, at the Distance of each from the other, to denote the Distance of one Town from another, as to the said Trustees, or any or more of them, shall seem meet: And if any Person or Persons shall voluntarily and maliciously break any of the Stones or Posts, or any Part thereof, which shall be erected, and set up, as aforesaid, or shall obliterate or deface any of the Words, Letters, Figures, or Marks, which shall be engraved or inscribed thereon, and shall be convicted thereof, by the Confession of the Party, or by the Oath of one or more credible Witness or Witnesses, before one or more Justice or Justices of the Peace for the said County of *Bedford*, every such Person so offending shall forfeit and pay the Sum of

of every such Offender, by Warrant under the Hand and Seal, or Hands and Seals, of
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the Justice or Justices before whom such Conviction shall be made: And such Forfeitures, when recovered, shall be applied in repairing the Stones or Posts so broken or defaced: And if there shall be any Overplus of such Forfeitures, the same shall be laid out in repairing the Roads aforesaid: And in case the Person or Persons so offending, and convicted, shall have no Goods or Chattels, then it shall and may be lawful to and for any one or more of such Justice or Justices of the Peace for the County of *Bedford*, by Warrant or Warrants, under his Hand and Seal, or their Hands and Seals, to

Provided also, and be it further Enacted and Declared, by the Authority aforesaid, That if any Trustee or Trustees already appointed or elected, or to be appointed or elected, to put the said former Acts, and this present Act, in Execution, is, are, or shall be, in the Commission of the Peace for the County of *Bedford*, such Trustee or Trustees shall and may act as a Justice or Justices, within his or their Jurisdiction, for the effectual putting into Execution the several Authorities and Powers given him or them in and by the said former Acts, and this present Act, notwithstanding such Justice or Justices is, are, or shall be, a Trustee or Trustees, as aforesaid.

And be it further Enacted, That all Costs and Charges expended in and about passing this present Act of Parliament, and all Money lent or due upon the Credit of the said former Acts, or for any Materials delivered or taken, or Work done, pursuant to the said former Acts, or otherwise due upon account, or by reason, of putting the said former Acts, or this present Act, in Execution, shall (as soon as may be) be paid out of the Money collected or to be collected, borrowed or to be borrowed, by virtue of the said former Acts, or this present Act.

And be it further Enacted, by the Authority aforesaid, That in case of the Death, or other Vacancy, of any Collector, Surveyor, or other Officer or Officers employed in, about, or concerning, the said Road, or on any other Emergency that may happen, it shall and may be lawful for the said Trustees, or any or more of them, under their Hands, to issue an Order to their Clerk to appoint a General Meeting of the Trustees, to be at the Place where the last Meeting was held, within after such Notice given; in which Summons shall be inserted the Intent of such Meeting; without which, the Business done at such Meeting is hereby declared to be null and void.

Provided always, and be it further Enacted, That no Person or Persons hereby appointed, or hereafter to be elected, shall be capable of acting as a Trustee or Trustees in any case, in the Execution of the said former Acts, or this present Act, unless he or they is or are respectively seised, at the time of such Sitting or Acting, of an Estate in Lands or Tenements

And if any Person, so made incapable to act, shall, nevertheless, presume to act, contrary to the true Intent and Meaning of this Act, every such Person or Persons shall

to be recovered in any of his Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case, Bill, Plaint, or Information; wherein no Essoign, Protection, Wager of Law, or more than one Imparlance, shall be allowed.

Provided always, and it is hereby Declared, That no Person shall be liable to pay any of the Tolls or Duties imposed by this Act, for passing through any of the Turnpikes erected, or to be erected, by virtue of the said former Acts, or this present Act, who shall carry any Quantities of Stone, Chalk, Hurlock, Gravel, Sand, or other Materials for building, or for the repairing the Roads or Highways.

And be it further Enacted, by the Authority aforesaid, That the said Trustees, or any or more of them, shall meet at the House of

on or before the and shall then adjourn themselves; and may afterwards meet there, or at any other Place on or near the said Road, so to be repaired, as the said Trustees, or any or more of them, shall think proper or convenient, as often as it shall be necessary for putting the said former Acts, and this present Act, in Execution: And if it shall happen that there shall not appear, at any Meeting which shall be appointed to be held by the said Trustees, a sufficient Number of Trustees to act at such Meeting, and to adjourn to any other Day, then, and in such Case, the Clerk or Clerks to the said Trustees, by Notice in Writing, to be affixed on the Turnpike or Turnpikes erected, or to be erected, by virtue of the said former Acts, or this present Act, at least before the next Meeting, shall appoint the said Trustees to meet at the House where the last Meeting of the said Trustees was appointed to be held, on that Day and that the said Trustees, at their first, and all their subsequent Meetings, shall defray their own Charges and Expences.

And be it further Enacted, by the Authority aforesaid, That if any Action or Suit shall be brought or commenced against any Person or Persons, for any thing done, or to be done, in pursuance of the said former Acts, or this present Act, the Action or Suit shall be brought within next after the Fact committed, and not afterwards; and shall be laid and brought in the County of *Bedford*, and not elsewhere: And the Defendant or Defendants in such Action or Suit shall and may plead the general Issue, and give the said former Acts, or this present Act, and the special Matter, in Evidence at any Tryal to be had thereupon; and that the same was done in pursuance, and by the Authority, of the said former Acts, or this present Act: And if the same shall appear so to be done, or that such Action or Suit shall be brought after the Time before limited for bringing the same, or in any other County or Place, that the Jury shall find for the Defendant

fendant or Defendants: And upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his or their Action or Actions, after the Defendant or Defendants shall have appeared; or if, upon Demurrer, Judgment shall be given against the Plaintiff or Plaintiffs; the Defendant or Defendants shall and may recover Costs; and have such Remedy for the same, as any Defendant or Defendants hath or have in other Cases by Law.

And be it Enacted, by the Authority aforesaid, That this Act shall be deemed, adjudged, and taken, to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without specially pleading the same.

A BILL for Continuing, and making more Effectual, Three Acts of Parliament, passed in the Ninth and Twelfth Years of the Reign of her late Majesty Queen Anne, and the Fifth Year of the Reign of his present Majesty, for Repairing the Highways between Dunstable and Hockliffe, in the County of Bedford; and also for Repairing the Road from the Sign of the White Horse, to the Sign of the King's Arms, in Hockliffe, aforesaid.

